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**HOUSE BILL 570**

**46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003**

**INTRODUCED BY**

Danice Picraux

**AN ACT**

**RELATING TO EDUCATION; CREATING THE SCHOOL LIBRARY MATERIAL  
FUND AND REQUIRING THE INSTRUCTIONAL MATERIAL BUREAU OF THE  
STATE DEPARTMENT OF PUBLIC EDUCATION TO ADMINISTER THE FUND;  
ESTABLISHING REQUIREMENTS FOR ADMINISTRATION AND DISTRIBUTION  
OF THE FUND; ESTABLISHING REQUIREMENTS FOR THE SALE, LOSS OR  
RETURN OF SCHOOL LIBRARY MATERIAL; REQUIRING SCHOOL DISTRICTS  
AND STATE INSTITUTIONS TO KEEP RECORDS OF SCHOOL LIBRARY  
MATERIAL; MAKING AN APPROPRIATION.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. A new section of the Public School Code is  
enacted to read:**

**"[NEW MATERIAL] SHORT TITLE. -- This act may be cited as the  
"School Library Material Act". "**

**Section 2. A new section of the Public School Code is**

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1 enacted to read:

2 "[NEW MATERIAL] DEFINITIONS. --As used in the School  
3 Library Material Act:

4 A. "additional student" means a student in the  
5 certified forty-day membership of the current year for a school  
6 district or state institution above the number certified in the  
7 forty-day membership of the prior year for the school district  
8 or state institution;

9 B. "bureau" means the instructional material bureau  
10 of the department of education;

11 C. "fund" means the school library material fund;

12 D. "library material processing" means cataloging  
13 of school library material, including in electronic format,  
14 according to nationally accepted standards, and the application  
15 of bar code labels and call-number classification labels to the  
16 material;

17 E. "membership" means the total enrollment of  
18 qualified students on the fortieth day of the school year  
19 entitled to the free use of school library material pursuant to  
20 the School Library Material Act;

21 F. "qualified student" means a public school  
22 student who:

23 (1) has not graduated from high school;

24 (2) is regularly enrolled in one half or more  
25 of the minimum course requirements approved by the state board

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1 for public school students; and

2 (3) is at least five years of age prior to  
3 12:01 a.m. on September 1 of the school year; or

4 (4) is at least three years of age at any time  
5 during the school year and is receiving special education  
6 services pursuant to regulation of the state board; and

7 G. "school library material" means books and other  
8 educational media, including online reference and periodical  
9 databases, that are made available in a school library to  
10 students for circulation and use in the library. "

11 Section 3. A new section of the Public School Code is  
12 enacted to read:

13 "[NEW MATERIAL] SCHOOL LIBRARY MATERIAL FUND--CREATION. --

14 The "school library material fund" is created in the state  
15 treasury. The purpose of the fund is to provide an account  
16 from which the department of education may distribute money to  
17 school districts and state institutions to pay for the cost of  
18 purchasing school library material. The cost of purchasing  
19 school library material may include shipping and handling  
20 charges for the delivery of school library material. The fund  
21 shall consist of appropriations, gifts, grants, donations and  
22 bequests. Money in the fund shall be appropriated to the  
23 department of education to pay for the cost of purchasing  
24 school library material. Disbursements from the fund shall be  
25 by warrant of the secretary of finance and administration upon

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1 vouchers signed by the state superintendent or his designated  
2 representative. Money in the fund shall not revert to the  
3 general fund at the end of a fiscal year. "

4 Section 4. A new section of the Public School Code is  
5 enacted to read:

6 "[NEW MATERIAL] ADMINISTRATION OF THE SCHOOL LIBRARY  
7 MATERIAL FUND-- BUREAU-- DUTIES. --Subject to the policies and  
8 rules of the state board, the bureau shall:

9 A. administer the provisions of the School Library  
10 Material Act;

11 B. enforce rules for the handling, safekeeping and  
12 distribution of school library material and money from the  
13 fund;

14 C. enforce inventory and accounting procedures to  
15 be followed by school districts and state institutions; and

16 D. withdraw or withhold the privilege of  
17 participating in the free use of school library material in  
18 case of noncompliance with the provisions of the School Library  
19 Material Act or rules adopted pursuant to that act. "

20 Section 5. A new section of the Public School Code is  
21 enacted to read:

22 "[NEW MATERIAL] STUDENTS ELIGIBLE-- DISTRIBUTION. --

23 A. A qualified student or person eligible to become  
24 a qualified student attending a public school or a state  
25 institution in a grade from the first through the twelfth grade

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1 of instruction is entitled to the free use of school library  
2 material. A student enrolled in an early childhood education  
3 program as defined in Section 22-13-3 NMSA 1978 is also  
4 entitled to the free use of school library material.

5 B. A school district or state institution shall  
6 purchase school library material as an agent for the benefit of  
7 students entitled to the free use of school library material.

8 C. A school district or state institution receiving  
9 school library material pursuant to the School Library Material  
10 Act is responsible for circulation of the school library  
11 material for use by eligible students and for the safekeeping  
12 of the school library material."

13 Section 6. A new section of the Public School Code is  
14 enacted to read:

15 "[NEW MATERIAL] DISTRIBUTION OF MONEY FOR SCHOOL LIBRARY  
16 MATERIAL. --

17 A. On or before July 1 of each year, the department  
18 of education shall distribute from the fund at least ninety  
19 percent of the estimated entitlement for each school district  
20 or state institution as determined from the estimated forty-day  
21 membership for the next school year to each school district and  
22 state institution. The entitlement of a school district or  
23 state institution is the portion of the total amount of the  
24 annual appropriation less a deduction for a reasonable reserve  
25 for emergency expenses that its forty-day membership bears to

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1 the forty-day membership of the entire state. Additional  
2 students shall be counted as six students for the purpose of  
3 the allocation.

4 B. On or before January 15 of each year, the  
5 department of education shall recompute each entitlement using  
6 the forty-day membership for that year and shall allocate the  
7 balance of the annual appropriation adjusting for any over- or  
8 under-estimation made in the first allocation.

9 C. The department of education shall establish  
10 procedures to distribute funds directly to school districts and  
11 state institutions.

12 D. A school district or state institution that has  
13 funds remaining for the purchase of school library material at  
14 the end of a fiscal year shall retain those funds for  
15 expenditure in subsequent years."

16 Section 7. A new section of the Public School Code is  
17 enacted to read:

18 "[NEW MATERIAL] SALE OR LOSS OR RETURN OF SCHOOL LIBRARY  
19 MATERIAL. --

20 A. With the approval of the bureau, school library  
21 material acquired by a school district or state institution  
22 pursuant to the School Library Material Act may be sold at a  
23 price determined by officials of the school district or state  
24 institution. The selling price shall not exceed the cost of  
25 school library material to the state.

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1           B. A school district or state institution may hold  
2 a parent, guardian or student responsible for loss, damage or  
3 destruction of school library material while the school library  
4 material is in the possession of a student. A school district  
5 may withhold the grades, diploma and transcripts of a student  
6 responsible for damage or loss of school library material until  
7 the parent, guardian or student has paid for the damage or  
8 loss. When a parent, guardian or student is unable for pay for  
9 the damage or loss, the school district shall work with the  
10 parent, guardian or student to develop an alternative program  
11 in lieu of payment. Where a parent or guardian is determined  
12 to be indigent according to guidelines established by the state  
13 board, the school district shall bear the cost.

14           C. A school district or state institution that has  
15 funds remaining for the purchase of school library material at  
16 the end of a fiscal year shall retain the funds for expenditure  
17 in subsequent years. "

18           Section 8. A new section of the Public School Code is  
19 enacted to read:

20           "[NEW MATERIAL] RECORD OF SCHOOL LIBRARY MATERIAL. -- A  
21 school district or state institution shall keep an accurate  
22 record of school library material that includes a cost record.  
23 A school district or state institution shall comply with  
24 record-keeping procedures prescribed by the bureau. "

25           Section 9. A new section of the Public School Code is

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1 enacted to read:

2 "[NEW MATERIAL] ANNUAL REPORT. -- Annually, at a time  
3 specified by the department of education, each local school  
4 district and state institution acquiring school library  
5 material pursuant to the School Library Material Act shall file  
6 a report with the department of education. "

7 Section 10. A new section of the Public School Code is  
8 enacted to read:

9 "[NEW MATERIAL] REPORTS-- BUDGETS. --

10 A. Annually, the department of education shall  
11 submit a budget for the next fiscal year to the department of  
12 finance and administration showing expenditures for school  
13 library material to be paid from the fund, including reasonable  
14 shipping and handling charges and library material processing  
15 expenses.

16 B. Upon request, the department of education shall  
17 make reports to the state board concerning the administration  
18 and execution of the School Library Material Act. "

19 Section 11. APPROPRIATION. -- Six million dollars  
20 (\$6,000,000) is appropriated from the general fund to the  
21 school library material fund for expenditure in fiscal year  
22 2004 and subsequent fiscal years to carry out the purposes of  
23 the School Library Material Act. Any unexpended or  
24 unencumbered balance remaining at the end of a fiscal year  
25 shall not revert to the general fund.